

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-4590

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TIMOTHY J. LYNCH,

Defendant- Appellant.

No. 07-4609

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TIMOTHY J. LYNCH,

Defendant - Appellant.

Appeals from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, Senior District Judge. (3:06-cr-00454-REP; 3:03-cr-00115-REP)

Submitted: February 27, 2008

Decided: March 5, 2008

Before WILKINSON and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Michael S. Nachmanoff, Federal Public Defender, Mary E. Maguire, Assistant Federal Public Defender, Richmond, Virginia, for Appellant. Chuck Rosenberg, United States Attorney, Stephen W. Miller, Assistant United States Attorney, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Timothy J. Lynch pled guilty to possession with intent to distribute heroin within 1000 feet of a public school. In his plea agreement, he reserved the right to challenge the denial of his motion to suppress. In appeal No. 07-4590, Lynch challenges his conviction, asserting that the district court clearly erred in determining that the officers had reasonable suspicion to believe that he was involved in criminal activity and that he might be armed. In appeal No. 07-4609, Lynch appeals from the twenty-four-month prison term the district court imposed after revoking the supervised release term he was serving at the time of his unlawful possession of heroin. He requests that this court remand the supervised release case for resentencing if we find that the district court erred in denying his motion to suppress.

We have carefully considered the arguments of counsel and the evidence presented to the district court, and we conclude that the district court did not clearly err. United States v. Rusher, 966 F.2d 868, 873 (4th Cir. 1992) (providing standard of review). Thus, we affirm the denial of the motion to suppress for the reasons stated by the district court. Accordingly, Lynch's conviction and the order on revocation of supervised release are also affirmed. We dispense with oral argument because the facts

and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED